

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KOHEN DIALLO E. UHURU,
Plaintiff,
v.
DANIEL E. CUEVAS, et al.,
Defendants.

No. 2:23-cv-1380 TLN DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. §1983. Plaintiff claims that defendants violated his right to be free of cruel and unusual punishment in violation of the Eighth Amendment.

On August 28, 2023, the undersigned recommended that plaintiff's motion to proceed in forma pauperis be denied because plaintiff accrued three strikes prior to filing the complaint in this action. (ECF No. 8.) The undersigned further determined that the allegations in the complaint were not sufficient to meet the imminent danger exception set forth in 28 U.S.C. §1915(g). (*Id.* at 3-5.) On September 22, 2023, the district court adopted the recommendations in full and ordered plaintiff to pay the \$402 filing fee within thirty days.

Thereafter, plaintiff sought a 90-day extension of time to pay the filing fee. Among other things, plaintiff alleged that he was waiting for a tax refund check from the IRS and the extension of time would allow him to pay the filing fee. This court found good cause for the request and

1 granted it. (ECF No. 14.) However, this court warned plaintiff that he must demonstrate
2 extraordinary circumstances to obtain any further extensions of time.

3 Plaintiff's filing fee was due on March 22. Just prior to that date, plaintiff filed a second
4 request for an extension of time. (ECF No. 15.) Plaintiff again seeks 90 additional days to pay
5 the fee. Plaintiff states that he is still waiting for his tax refund. He contends that due to
6 quarantines for COVID outbreaks, he has been unable to investigate the IRS's delay in providing
7 it. This court finds plaintiff has sufficiently demonstrated a need for some additional time.
8 However, plaintiff provides no reason for the extensive amount of time he seeks. Plaintiff has
9 known since he was served with the September 22, 2023 order that he must pay the filing fee if he
10 wishes to proceed with this case. Plaintiff has had six months to pay the fee. This court will give
11 plaintiff an additional two months. No further extensions of time will be given.

12 Accordingly, and good cause appearing, IT IS HEREBY ORDERED that

- 13 1. Plaintiff's request for an extension of time (ECF No. 15) is granted in part.
- 14 2. On or before May 22, 2024, plaintiff shall pay the \$402 filing fee. If plaintiff fails to
15 pay the filing fee by that date, this court will recommend this case be dismissed.

16 Dated: March 26, 2024

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19 DEBORAH BARNES
20 UNITED STATES MAGISTRATE JUDGE
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